IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 24889 of 2000

Between:

Ch. Surendar, S/o. Sambaiah,
R/o. Alair, Nalgonda.

..... PETITIONER

AND

1 The Revenue Divisional Officer,
Bhongir, Nalgonda District
2 The Mandal Revenue Officer,
Alair, Nalgonda District
3 The Mandal Revenue Officer,
Yadagirigutta, Nalgonda District
4 The Assistant Director, Mines & Geology,
Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of Writ of Mandamus declaring the action of the Respondents interfering with the quarrying and transportation of sand by the petitioners in their patta lands in Sy.No.1026, over an extent of Ac.2.20 guntas in Alair Village, Alair Mandal, Nalgonda District as arbitrary, illegal unjust and unconstitutional violative of principles of natural justice and consequently direct the respondents not to interfere with the petitioners right to quarry and transport the sand in their patta lands in Sy.No. 1026 over an extent of Ac. 2.20 guntas in Alair Village, Alair Mandal, Nalgonda District and pass such other order or orders as are deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed, seeking a Mandamus, declaring the action of the respondents in interfering with the quarrying and transportation of sand by the petitioner in his patta lands in Sy.No.1026, over an extent of Ac.2.20 guntas in Alair village, Alair Mandal, Nalgonda District, as arbitrary and illegal.

It is submitted that the petitioner is the owner and possessor of an extent of Ac.2.20 guntas of land situated in Sy.No.1026 of Alair village, Nalgonda District and the land is situated near to the Kandukur vagu which flows through the village, where sand has accumulated on the land making it uncultivable. Unless the accumulated sand is removed, the land of the petitioner cannot be brought under cultivation. Therefore, to remove the sand, the petitioner approached the

4th respondent for permission to remove and transport the sand, as it is minor mineral. Thereafter the Mandal Revenue Officer has inspected the land and granted permission to lift and transport the sand from the land of the petitioner. But in view of the G.O.Ms.No.71, Panchayat Raj and Rural Development, the petitioner has to obtain permission from the Gram Panchayat. Accordingly, the petitioner has approached the Gram Panchayat, Alair, along with the permission of the Mandal Revenue Officer, and the Gram Panchayat has passed a resolution on 11.10.2000 and accorded permission to the petitioner to remove and transport the sand from his land. Though the petitioner has obtained permission from the Mandal Revenue Officer and Gram Panchayat, the respondents are interfering with the operation of removal and transportation of sand from the land of the petitioner. Hence the petitioner is constrained to approach this Court by filing this writ petition.

Though this writ petition is pending consideration since 2000, the respondents have not shown interest to contest the matter by filing their respective counters.

In view of the facts and circumstances of the case, I deem it appropriate to dispose of

the writ petition with a direction to the respondents not to interfere with the operation of removal and transportation of sand from the land of the petitioner, without following due process of law.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 14.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Revenue Divisional Officer,

Bhongir, Nalgonda District

2. The Mandal Revenue Officer,

Alair, Nalgonda District

3. The Mandal Revenue Officer,

Yadagirigutta, Nalgonda District

4. The Assistant Director,

Mines & Geology,

Nalgonda District

5. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad(OUT)

6. Two CD copies